IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No. 33149-M of 2006

DATE OF DECISION: DECEMBER 4, 2006

Balwinder Singh and others

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.J.S.Verka , Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

...

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing FIR No.6 dated 3.1.2004 registered under Sections 307/323/498-A/406/506 and 120-B IPC at Police Station Sadar, Amritsar, and all the subsequent proceedings arising therefrom.

The aforesaid FIR has been registered on the statement made by petitioner No.2 against her husband and his other family members.

During the pendency of this petition, parties have amicably settled their dispute. Petitioner No.1, husband of the complainant, appeared in the court today along with his counsel and has made the following statement:

> "My marriage was performed with Sukhraj Kaur on 16.6.1993. From the said marriage, two issues were born. Subsequently when I was serving in the Indian Air Force and when my wife was living with my father in the village, some

harassment was caused to my wife. On that account, FIR No.6 dated 3.1.2004 under Sections 307, 323, 498-A, 406, 506 and 120-B IPC was registered at Police Station Sadar, Amritsar, was lodged by my wife against me and my family members. Now we have amicably settled our disputes and I have assured my wife that I will neither harass her nor permit any member of my family to harass her. Today, I give undertaking to the Court that in future I will not harass my wife or permit any member of my family to harass her."

Petitioner No.2/complainant also appeared in the court today along with her counsel and has made the following statement:-

"I have heard the statement of my husband. Earlier due to some misunderstanding I got registered FIR No.6 dated 3.1.2004 under Sections 307, 323, 498-A, 406, 506 and 120-B IPC at Police Station Sadar, Amritsar against my husband and his other family members. Now we have amicably settled our disputes and at present I am living happily with my husband and children. They assured me that in future that will not harass me and I have no objection if the aforesaid FIR lodged by me is quashed."

After hearing the arguments of learned counsel for the parties, I am of the opinion that since with the intervention of relatives and respectables, the parties have amicably settled their disputes and now petitioner No.2 is living happily with her husband and children, therefore, in view of the compromise, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be futile because petitioner No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bona fide. Therefore, in view of the aforesaid statements made by petitioners No.1 and 2, the fact that the parties have compromised the matter and the law laid down by the Apex Court in B.S.Joshi and Ors. v. State of Haryana and Anr.,

JT 2003 (3) SC 277, FIR No.6 dated 3.1.2004 registered under Sections 307/323/498-A/406/506 and 120-B IPC at Police Station Sadar, Amritsar, and all the subsequent proceedings arising therefrom are quashed.

Petition stands allowed accordingly.

December 4, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE